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Please find below and/or attached an Office communication concerning this application or proceeding.

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uspto.cor.2002@nrvr.com

Office Action Summary

Application No.

10/802,658

Applicant(s)

BASCHY, LEO MARTIN

Examiner

LINH K. PHAM

Art Unit

2174

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/09/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 28-34 and 36-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 28-34 and 36-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date 11/10/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Request for Continued Examination filed on 11/09/2009.
2. In the instant Amendment, Claims 13-27 and 35 were canceled; Claims 1 and 10 are independent claims. Claims 1-12, 28-34, and 36-43 have been examined and are pending.

This Action is made Non-FINAL.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/09/2009 has been entered.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 11/10/2009 was filed after the mailing date of the Application No. 10/802659 on 03/17/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 10-12, 28-32, and 40-42 are rejected under 35 U.S.C. 112, second paragraph,** as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- **Regarding claim 10;** the preamble of the claim recites “[a] visual display unit,” the body of the claim does not positively recites any hardware components/elements of the visual display unit. The body of the claim recites “*the identity of the individual user,*” “*a differing visual element for indicating,*” “*representation of the time,*” and “*indication,*” which are items/features on a graphical user interface of a software application. It’s unclear as to how a visual display unit can be formed without any elements of hardware.

- **Regarding claims 11-12, 28-32, and 40-42;** claims 11-12, 28-32, and 40-42 are dependent on claim 10, and therefore inherit the 35 U.S.C 112, second paragraph issues of the independent claim.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. **Claims 1-12, 28-34, and 36-43 are rejected under 35 U.S.C. 101** because the claims are directed to non-statutory subject matter.

Regarding claims 1 and 10; although the preambles of the claims recite “*A visual display unit,*” the bodies of the claims do not positively recite any elements of hardware. The body of the claim 1 recites “*one or more display region for graphical representation;*” and the body of claim 10 recites “*the identity of the individual user,*” “*a differing visual element for indicating,*” “*representation of the time,*” and “*indication;*” In light of the specification (*paragraphs [0029] and [0033]-[0041]*), the aforementioned claimed components/features are implemented in software, which are non-statutory subject matter. Therefore, the claims are directed to non-statutory subject matter. The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101. (See *In re Bilski*, Appeal No. 2007-1130; *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 473 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1976)).

Regarding claims 2-9, 11-12, 28-34, and 36-43, claims 2-9, 11-12, 28-34, and 36-43 are also rejected under 35 U.S.C. 101 for the same reasons as stated above.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-2, 4, 7-8, and 33 are rejected under 35 U.S.C. 102(b)** as being anticipated by Barkley et al., ("Barkley", U.S. 6,202,066), issued on March 13, 2001.

Regarding claim 1, Barkley discloses a visual display unit which displays a graphical user interface for representing and facilitating user manipulation of persistent yet revocable access control settings for a specific predetermined resource (*col. 8, lines 44-55; Figs. 2-5*) comprising:

one or more display regions for graphical representations of all access control settings for the resource (*col. 10, lines 56-67; Figs. 2-5; Read, Write, Execute, and Delete permissions check-boxes are displayed on the Role/Group Permission View window*), wherein the graphical representations result from transformations applied to the structured data which defines the access control settings for the resource (*col. 10, lines 56-67 and col. 13, lines 19-60; Figs. 2, 4, and 5; as displayed on fig. 5, financial advisor user has read permission on file 'ko.acc' and does not have write, execute, and delete permission on the 'ko.acc' file*); and

one or more display regions for normal size, legibly scaled, unabridged representation of the content of the resource (*col. 8, lines 44-65; col. 13, lines 19-60; Figs. 2, 4, and 5; file name and file path are displayed on Role/Group Permission view*);

wherein the set of display regions for representations of the access control settings and the display region for representation of the content of the resource are

concurrently visible, are concurrently operable, and appear to the operator as in an integrated graphical user interface (*col. 12, lines 50-67 to col. 13, lines 1-11; col. 13, lines 19-61; Figs. 2, 4, and 5; as displayed on fig. 5, financial advisor user has read permission on file ko.acc and does not have write, execute, and delete permission on the 'ko.acc' file*); and wherein the resource is a digital document (*Fig. 5; file 'ko.acc'*).

Regarding claim 2, Barkley discloses the visual display unit graphical user interface of claim 1, wherein one or more functions modify the spatial layout of the display regions for representations of the access control settings (*col. 10, lines 56-67; col. 13, lines 19-60; Figs. 2, 4, and 5; Read, Write, Execute, and Delete permissions check-boxes*).

Regarding claim 4, Barkley discloses the visual display unit graphical user interface of claim 1, wherein one or more functions modify the transformations that are applied to the structured data (*col. 6, lines 8-12; col. 8, lines 56-65; col. 9, lines 48-60; Figs. 3 and 5; hierarchy checkbox*).

Regarding claim 7, Barkley discloses the visual display unit graphical user interface of claim 1, wherein the set of display regions further comprises:

a display region for a graphical representation of the set of groups, users and roles defined by existing structured data for the resource and their respective access privileges (*col. 9, lines 8-47; col. 10, lines 56-67; col. 13, lines 19-60; Figs. 2, 4, and 5; role/group panel*); and

a display region for a graphical representation of the result of transforming the set of groups, users and roles and their respective access privileges into a corresponding set

of individual users and their respective effective access privileges (*col. 9, lines 8-47; col. 10, lines 56-6; col. 11, lines 1-56; col. 13, lines 19-60; Figs. 2, 4, and 5; role/group permission hierarchy*).

Regarding claim 8, Barkley discloses the visual display unit graphical user interface of claim 1, further comprising a first display region for a graphical representation of at least one set of known users and groups, wherein the operator can designate indicia for known users and groups and visually associate the designated indicia with a second display region to change the structured data which defines the access control settings for the resource (*col. 9, lines 8-47; col. 10, lines 56-6; col. 11, lines 1-56; col. 13, lines 19-60; Figs. 2, 4, and 5; role/group permission hierarchy*).

Regarding claim 33, Barkley teaches the graphical user interface of claim 8, wherein the set further comprising access control settings macros and the operator can designate indicia for macros and visually associate the designated indicia with the second display region to change the structured data which defines the access control settings for the resource (*col. 10, lines 5-45; Figs. 4-5; hierarchy mode option; Role/Group Permission can be obtained through operation of a hierarchy, i.e., where one role automatically inherits the permissions of another*).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claim 3 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Barkley, as applied to claim 1 above, in view of Gottsacker et al., (“Gottsacker”, US 2004/0135805).

Regarding claim 3, Barkley discloses the visual display unit graphical user interface of claim 1.

Barkley does not explicitly disclose one or more functions modify the number of the display regions for representations of the access control settings.

However, in an analogous art, Gottsacker discloses a document composition system, wherein one or more functions modify the number of the display regions for representations of the access control settings (*Gottsacker: par. 0016; system administrators are able to customize the appearance of the GUI*).

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Gottsacker with the method of Barkley to provide users with a mean for allowing system administrator to customize the appearance of the GUI (*Gottsacker: par. 0016*).

13. **Claims 5, 34, 36, and 38 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Barkley, as applied to claim 1 above, in view of Lee et al., (“Lee”, US 2004/0117194).

Regarding claim 5, Barkley discloses the visual display unit graphical user interface of claim 1.

Barkley does not explicitly disclose a user is graphically represented by a display element comprising, at least in part, a likeness of the user.

However, in an analogous art, Lee discloses a network conferencing system, wherein a user is graphically represented by a display element comprising, at least in part, a likeness of the user (*par. 0017; Figs. 4A, 12, 14, and 18; attendance icons*).

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Lee with the method of Barkley to provide users with a mean for displaying attendance icon within a network conference (*Lee: par. 0017*).

Regarding claim 34, claim 34 is similar in scope to claim 5, and is therefore rejected under similar rationale.

Regarding claim 36, claim 36 is similar in scope to claim 5, and is therefore rejected under similar rationale.

Regarding claim 38, claim 38 is similar in scope to claim 5, and is therefore rejected under similar rationale.

14. **Claims 6, 37, and 39 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Barkley and Lee, as applied to claims 1, 36, 38 above, in view of Steinberg (US 2002/0141639).

Regarding claim 6, Barkley teaches the visual display unit of claim 5, but not explicitly disclose adjusting image color saturation toward a predetermined target saturation level; converting to grayscale; adjusting image brightness toward a

predetermined target brightness level; adjusting image contrast toward a predetermined target contrast level; adjusting image sharpness toward a predetermined target sharpness level; and masking with a shape selected from a set comprising ovals and outlines of a bust.

However, Steinberg teaches a method for automated image correction for digital image acquisition wherein adjusting image color saturation toward a predetermined target saturation level (*Steinberg: para. 0004; paras. 0015-0016*);

converting to grayscale (*Steinberg: para. 0011*);

adjusting image brightness toward a predetermined target brightness level (*Steinberg: paras. 0012-0014*);

adjusting image contrast toward a predetermined target contrast level (*Steinberg: paras. 0012-0014*);

adjusting image sharpness toward a predetermined target sharpness level (*Steinberg: para. 0031*); and

masking with a shape selected from a set comprising ovals and outlines of a bust (*Steinberg: para. 0031*).

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Steinberg with the method of Barkley and * in order to provide automated color correction for differenced between the reference colors in a color chart and adjust for brightness and optimum contrast (*Steinberg: para. 0014*).

Regarding claim 37, Barkley teaches the visual display unit of claim 36, but does not explicitly disclose the likeness comprises, at least in part, a digital photograph,

processed by a method including at least one step selected from the set of: adjusting image color saturation toward a predetermined target saturation level; converting to grayscale; adjusting image brightness toward a predetermined target brightness level; adjusting image contrast toward a predetermined target contrast level; adjusting image sharpness toward a predetermined target sharpness level; and masking with a shape selected from a set comprising ovals and outlines of a bust.

However, Steinberg teaches a method for automated image correction for digital image acquisition wherein the likeness comprises, at least in part, a digital photograph (*Steinberg: para. 0001; method for transforming the colors in a digital image to a color corrected digital image*), processed by a method including at least one step selected from the set of:

adjusting image color saturation toward a predetermined target saturation level (*Steinberg: para. 0004; paras. 0015-0016*);

converting to grayscale (*Steinberg: para. 0011*);

adjusting image brightness toward a predetermined target brightness level (*Steinberg: paras. 0012-0014*);

adjusting image contrast toward a predetermined target contrast level (*Steinberg: paras. 0012-0014*);

adjusting image sharpness toward a predetermined target sharpness level (*Steinberg: para. 0031*) and

masking with a shape selected from a set comprising ovals and outlines of a bust (*Steinberg: para. 0044*).

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Steinberg with the method of Barkley in order to provide automated color correction for difference between the reference colors in a color chart and adjust for brightness and optimum contrast (*Steinberg: para. 0014*).

Regarding claim 39, claim 39 is similar in scope to claim 37, and is therefore rejected under similar rationale.

15. **Claims 9 and 43 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Barkley as applied to claim 1 above, in view of Bhetanabhotla et al., (“Bhetanabhotla”, US 2002/0167538).

Regarding claim 9, Barkley teaches the graphical user interface of claim 8, but does not explicitly disclose the first display region is reduced in size until activated by the user, and the first display region is increased in size upon activation.

However, Bhetanabhotla teaches a method comprising flexible organization of information using multiple hierarchical categories (*Bhetanabhotla: paras. 0106-0109; Fig. 1; categories 110 contains the category hierarchies used for categorization of the information items are displayed*) wherein the first display region is reduced in size until activated by the user, and the first display region is increased in size upon activation (*Bhetanabhotla: para. 0066; Fig. 1; the information item is displayed on the area content 130*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Bhetanabhotla with the method of Barkley in order to

provide users with a means to share information right from out of one's computer system while enforcing permissions and monitoring activities (*Bhetanabhotla: para. 0031*).

Regarding claim 43, Barkley teaches the graphical user interface of claim 38, but **does not** explicitly disclose the first display region is reduced in size until activated by the user, and the first display region is increased in size upon activation.

However, Bhetanabhotla teaches a method comprising flexible organization of information using multiple hierarchical categories (*Bhetanabhotla: paras. 0106-0109; Fig. 1; categories 110 contains the category hierarchies used for categorization of the information items are displayed*) wherein the first display region is reduced in size until activated by the user, and the first display region is increased in size upon activation (*Bhetanabhotla: para. 0066; Fig. 1; the information item is displayed on the area content 130*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Bhetanabhotla with the method of Barkley in order to provide users with a means to share information right from out of one's computer system while enforcing permissions and monitoring activities (*Bhetanabhotla: para. 0031*).

16. **Claims 10-12, 28-32, 40, and 42 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Hildebrand et al., ("Hildebrand", US 2004/0103202) in view of Sekiguchi (US 6,711,687), and further in view of Hayes Jr. ("Hayes" US 6,205,476).

Regarding claim 10, Hildebrand teaches a graphical user interface for representing access log information and access control settings for a single specific

predetermined resource, wherein at least one display region contains a graphical representation of a set comprising one or more individual users, and wherein each of the individual users is graphically represented by a visual element (*paras. 0108-0109; Fig. 2D; AmdGrp GUI 275*) which comprises:

the identity of the individual user having read privilege for the resource (*para. 0102; Figs. 2C.1 and 2D; user A has read permission to the document; see also para. 0135 and Fig. 5B.1*); and

a differing visual element for indicating if the user has write privilege for the resource (*paras. 0108-0109 and 0138; Figs. 2D and 5B.1; users can be assigned to different access privileges; such as user A may be an executive or a branch supervisor who has all the access privileges to any secured documents, user B has limited access privileges while everyone in user group C shares the same access privileges*); and one or more of the following visual elements (*paras. 0102 and 0108-0109; Figs. 2C.1 and 2D; user D has read and write permissions to the document; see also para. 0135 and Fig. 5B.1*):

Hildebrand teaches all limitations as recited above, but does not disclose representation of the time of the most recent read access by the user to the resource; representation of the time of the most recent write access by the user to the resource; indication whether the most recent write access by the user to the resource is the most recent write access by any user to the resource; indication whether the most recent read access by the user to the resource has been before the most recent write access by any user to the resource; indication whether the most recent read access by the user to the resource

has been since the most recent write access by any user to the resource; and indication whether the user currently is without read privilege for the resource; and

However, Sekiguchi teaches a security monitoring apparatus based on access log wherein representation of the time of the most recent read access by the user to the resource (*Sekiguchi: col. 5, lines 14-55; the security management unit 112 executes statistical process of the access log 201 to obtain security management information 203 which includes the most recent access to the document; Figs. 3-5 and 7-10*);

representation of the time of the most recent write access by the user to the resource (*Sekiguchi: col. 5, lines 14-55; Figs. 3-5 and 7-10*);

indication whether the most recent write access by the user to the resource is the most recent write access by any user to the resource (*Sekiguchi: col. 5, lines 14-55; Figs. 3-5 and 7-10*);

indication whether the most recent read access by the user to the resource has been before the most recent write access by any user to the resource; indication whether the most recent read access by the user to the resource has been since the most recent write access by any user to the resource (*Sekiguchi: col. 5, lines 14-55; Figs. 3-5 and 7-10*); and

indication whether the user currently is without read privilege for the resource (*Sekiguchi: col. 4, lines 6-19 to col. 5, lines 14-55*); and wherein the resource is a digital document (*Sekiguchi: Figs. 3-5 and 7-10; Text file and Execute files are known as a digital document*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Sekiguchi with the method of Hildebrand in order to

provide a security monitoring system that performs more powerful maintenance and management of security (*Sekiguchi: col. 2, lines 6-12*).

Sekiguchi and Hildebrand teach all limitations as recited above, but do not explicitly disclose the resource is a digital document.

However, Hayes teaches a system with a network interconnecting a server and a plurality of user stations wherein the resource is a digital document (*Hayes: col. 3, lines 38-45; uses a unique identifier to access the file; which is known as a digital document, from the server; Figs. 13-22; showing one or more display regions; such as a content of resource is displayed on the left panel*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Hayes with the graphical user interface of Sekiguchi and Hildebrand in order to provide users with means for allowing an administrator to configure a user application by running the application directly in the context of a user or user group, rather than in the context of the administrator and allowing administrators to configure an end user application directly by effectively running the end user application while posing as a user or as a user group. (*Hayes: col. 4, lines 25-28 and lines 53-55*).

Regarding claim 11, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 10.

Hildebrand further teaches the set of individual users consists of: the set of users who have any access privilege at all for the resource (*Hildebrand: para. 0135; Fig. 5B.1;*

user A has all access permissions, user B has only open and print permissions, and users in user group C have open, edit, write, and download permissions for the document); and the set of users who have accessed the resource in the past although they currently are without any access privilege for the resource (Hildebrand: paras. 0073, 0102, and 0135; a system administrator is able to change access privilege of a user at any time using administration interface 506).

Regarding claim 12, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 10.

Hayes further teaches a display region for a normal size, legibly scaled, unabridged representation of the content of the resource (*Hayes: Figs. 13-22; showing one or more display regions; such as a content of resource is displayed on the left panel*), wherein the display region for representation of the set of users and the display region for representation of the resource appear to the operator as an integrated graphical user interface (*Hayes: col. 18, lines 34-55; Fig. 15; the content of the resource is displayed on the left side pane and the applet permissions 1518; col. 20, lines 37-64; ; Fig. 20-23; the information will be displayed on the right panel of the IBM window and the administrator can create new users and modify and delete existing users, as already discussed, without being in the context of a group or subgroup*).

Regarding claim 28, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 10.

Hildebrand further teaches the time of the most recent access by the user
(Hildebrand: paras. 0013-0016);

Sekiguchi further teaches the time of the most recent write access by the user
(Sekiguchi: col. 5, lines 14-55; the security management unit 112 executes statistical process of the access log 201 to obtain security management information 203 which includes the most recent access to the document); and current privileges the user has for the resource (Sekiguchi: col. 5, lines 14-55).

Regarding claim 29, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 10.

Hayes further teaches a user is graphically represented by a display element comprising, at least in part, a likeness of the user *(Hayes: col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24).*

Regarding claim 30, Hildebrand, Sekiguchi and Hayes teach the graphical user interface of claim 12.

Hildebrand further teaches the set of users who have any access privilege at all for the resource *(Hildebrand: para. 0135; Fig. 5B.1; user A has all access permissions, user B has only open and print permissions, and users in user group C have open, edit, write, and download permissions for the document); and the set of users who have accessed the resource in the past although they currently are without any access privilege for the*

resource (*paras. 0073, 0102, and 0135; a system administrator is able to change access privilege of a user at any time using administration interface 506*).

Regarding claim 31, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 12,

Sekiguchi further teaches graphical representations of users are sorted by one or more of the following attributes: the time of the most recent access by the user (*Sekiguchi: col. 5, lines 14-55; the security management unit 112 executes statistical process of the access log 201 to obtain security management information 203 which includes the most recent access to the document*);

the time of the most recent write access by the user (*Sekiguchi: col. 5, lines 14-55*); and

current privileges the user has for the resource (*Sekiguchi: paras. 0013-0016*).

Regarding claim 32, Hildebrand, Sekiguchi and Hayes teach the graphical user interface of claim 12.

Hayes further teaches a user is graphically represented by a display element comprising, at least in part, a likeness of the user (*Hayes: col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24*).

Regarding claim 40, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 30.

Hayes further teaches a user is graphically represented by a display element comprising, at least in part, a likeness of the user (*Hayes: col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24*).

Regarding claim 42, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 31.

Hayes further teaches a user is graphically represented by a display element comprising, at least in part, a likeness of the user (*Hayes: col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24*).

17. **Claim 41 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Hildebrand, Sekiguchi, and Hayes, as applied to claim 10 above, and further in view of Steinberg (US 2002/0141639).

Regarding claim 41, Hildebrand, Sekiguchi, and Hayes disclose the graphical user interface of claim 40, but does not explicitly disclose the likeness comprises, at least in part, a digital photograph, processed by a method including at least one step selected from the set of: adjusting image color saturation toward a predetermined target saturation level; converting to grayscale; adjusting image brightness toward a predetermined target brightness level; adjusting image contrast toward a predetermined target contrast level;

adjusting image sharpness toward a predetermined target sharpness level; and masking with a shape selected from a set comprising ovals and outlines of a bust.

However, Steinberg teaches a method for automated image correction for digital image acquisition wherein the likeness comprises, at least in part, a digital photograph (*Steinberg: para. 0001; method for transforming the colors in a digital image to a color corrected digital image*), processed by a method including at least one step selected from the set of:

adjusting image color saturation toward a predetermined target saturation level (*Steinberg: para. 0004; paras. 0015-0016*); converting to grayscale (*Steinberg: para. 0011*);

converting to grayscale (*Steinberg: para. 0011*);

adjusting image brightness toward a predetermined target brightness level (*Steinberg: paras. 0012-0014*);

adjusting image contrast toward a predetermined target contrast level (*Steinberg: paras. 0012-0014*);

adjusting image sharpness toward a predetermined target sharpness level (*Steinberg: para. 0031*); and

masking with a shape selected from a set comprising ovals and outlines of a bust (*Steinberg: paras. 0031 and 0044*).

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Steinberg with the method of Hildebrand, Sekiguchi, and Hayes in order to provide automated color correction for differences between the reference

colors in a color chart and adjust for brightness and optimum contrast (*Steinberg: para. 0014*).

Response to Arguments

18. The objection to the amended specification is maintained because it fails to comply with 37 CFR 1.121 and 37 CFR 1.125.
19. The amended specification submitted on 11/09/2009 is objected to and has not been entered because it does not conform to 37 CFR 1.121 and 37 CFR 1.125 (*See MPEP § 608.01(q) and § 714.19*). *“The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown pursuant to this paragraph.”*
20. The objection to the specification under 35 U.S.C. 132(a) is withdrawn as Applicant’s arguments are found persuasive.
21. The rejections of claims 1-12, 28-34, and 36-43 under 35 U.S.C. § 101 are maintained as the claims are directed to non-statutory subject matter. Applicants’ arguments in the instant Amendment, filed on 11/09/2009 with respect to the statutory subject matter of the claim, have been fully considered but they are not persuasive.

Applicants' arguments:

"As claims 1 and 10 are limited to a visual display unit, that is to a machine, claims 1 and 10 don't cover software per se. Claims 1 and 10 don't cover any non-statutory embodiment at all."

The Examiner disagrees with the Applicant for the following reasons:

Although the preambles of the claims recite "*A visual display unit*," the bodies of the claims do not positively recite any elements of hardware. The body of the claim 1 recites "*one or more display region for graphical representation*;" and the body of claim 10 recites "*the identity of the individual user*," "*a differing visual element for indicating*," "*representation of the time*," and "*indication*;" In light of the specification (*paragraphs [0029] and [0033]-[0041]*), the aforementioned claimed components/features are implemented in software, which are non-statutory subject matter. Therefore, the claims are directed to non-statutory subject matter. The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101. (See *In re Bilski*, Appeal No. 2007-1130; *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 473 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1976)).

22. Applicants' arguments in the instant Amendment, filed on 11/09/2009, have been fully considered but they are not persuasive.

Applicants' arguments:

- a. *"Barkley discloses only file name and file path are displayed. The Barkley disclosure misses the very 'one or more display regions for normal size, legibly scaled, unabridged representation of the content of the resource' of claim 1."*
- b. *"Hildebrand doesn't mention any log information. Therefore, a rejection based on 'Hildebrand teaches a graphical user interface for representing access log information...' must be improper;" and "Fig. 2C. 1 is neither appropriate to be in a user interface nor does Hildebrand teach its use in user interface;"*
- c. *"Hildebrand Fig. 2D misses for each of the individual users to have a different visual element indicating if the user has write privilege for a specific document, a limitation of claim 10;"*
- d. *"Hildebrand Fig. 5B.1 doesn't show users privileges for a specific document. Para. 135 explains Fig. 5B. 1 shows privileges for any secured documents, and it mentions levels for various active folders, storage locations, users or group of users. There is no hint at user interface for a specific document. Prior art lacks general usability because it lacks focus on a specific document."*
- e. *"Applicant considers the limitation to 'a single specific predetermined resource' recited in the preamble to be a claim limitation."*

- f. *“Sekiguchi doesn’t teach the present invention’s user interface or comprehensibility of access log information for a non-technical user.”*

The Examiner disagrees for the following reasons:

- a. Barkley does disclose one or more display regions for normal size, legibly scaled, unabridged representation of the content of the resource (*col. 8, lines 44-65; col. 13, lines 19-60; Figs. 2, 4, and 5; file name and file path are displayed on Role/Group Permission view*);
- b. In response to applicant’s arguments, the recitation *“a graphical user interface for representing access log information”* has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). It is noted, however, that Hildebrand does teach a graphic user interface for representing access log information (*Hildebrand: par. 0201; Fig. 5A; access report module 704 reports user’s access activities [reporting user’s access activities is equated as representing access log information]*).

- c. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (*i.e.*, "*each of the individual users to have a different visual element indicating if the user has write privilege for a specific document*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In fact, Hildebrand does teach a differing visual element for indicating if the user has write privilege for the resource (*paras. 0108-0109 and 0138; Figs. 2D and 5B.1; users can be assigned to different access privileges; such as user A may be an executive or a branch supervisor who has all the access privileges to any secured documents, user B has limited access privileges while everyone in user group C shares the same access privileges; FIG. 2D shows an exemplary graphic user interface (GUI) 275 that can be used to establish or create access rules; the GUI 275 can be activated and/or displayed when a user finishes with a secured document and is ready to save it into a designated place*).
- d. Hildebrand does teach a differing visual element for indicating if the user has write privilege for the resource [a specific document] (*paras. 0108-0109 and 0138; Fig. 2D 5B.1; the GUI 275 can be activated and/or displayed when a user finishes with a secured document and is ready to save it into a designated place*).
- e. The recitation "*a single specific predetermined resource*" has not been given patentable weight because the recitation occurs in the preamble. A preamble is

generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robic*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

- f. As explained in section c), Applicant argues that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (*i.e.*, "*Skeiguchi doesn't teach the present invention's user interface or comprehensibility of access log information for a non-technical user*") are not recited in the rejected claim(s); (emphasis added). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In fact, the combination of Hildebrand, Sekiguchi, Hayes, and Steinberg does teach all limitations as recited in claims 10-12, 28-32, 40, and 41-42 as addressed in sections 17-18 above.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to . whose telephone number is (571)270-3230. The examiner can normally be reached on Monday to Thursday from 7:30AM to 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doon Y. Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/DENNIS-DOON CHOW/
Supervisory Patent Examiner, Art Unit 2174

December 18, 2009
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Examiner, Art Unit 2174